

SENATE BILL REPORT

SB 5513

As Passed Senate, January 30, 2002

Title: An act relating to motorist assault upon department of transportation employees.

Brief Description: Compensating highway and ferry workers for motorist assault.

Sponsors: Senators Haugen, Shin, T. Sheldon, Sheahan, Oke and Gardner.

Brief History:

Committee Activity: Transportation: 2/20/01, 2/22/01 [DP].

Passed Senate: 3/13/01, 45-0; 1/30/02, 48-0.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass.

Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Horn, Jacobsen, Kastama, McAuliffe, McDonald, Oke, Patterson, Prentice, T. Sheldon, Shin and Swecker.

Staff: Jennifer Ziegler (786-7316)

Background: Washington State Department of Transportation (WSDOT) employees who are injured on the job are currently entitled to benefits under either state industrial insurance law or federal maritime law.

Summary of Bill: A program is created to provide supplemental reimbursement to employees of the WSDOT who are victims of "motorist assault." "Motorist assault" is defined as an act by a motorist that results in physical injury to an employee of the WSDOT while that employee is engaged in: (1) highway construction or maintenance activities along the roadway or right-of-way; or (2) the loading and unloading of passenger vehicles on state ferries.

To qualify for benefits, the Secretary of Transportation must find:

- (1) the employee was the victim of motorist assault and sustained demonstrated physical injuries that required the employee to miss one or more days of work;
- (2) the assault was not attributable in any way to the employee's negligence, misconduct, or failure to follow any rules or condition of employment;
- (3) the employee's workers' compensation application or benefits under federal maritime laws have been approved; and
- (4) the employee's absences were justified.

Qualifying employees are eligible for the following benefits:

- (1) the employee's accumulated sick leave days are not reduced for workdays missed;
- (2) the employee continues to receive full benefits, such as vacation leave, sick leave, and health insurance;
- (3) employees covered by state industrial insurance receive the full amount of their net pay at the time of the injury for each workday missed for which they are not eligible to receive compensation under industrial insurance law; and
- (4) if the employee received compensation under state industrial insurance law or federal maritime law, the employee receives only the difference between that compensation and the employee's full net pay for the workdays missed.

The benefits of this program last one year from the date of the injury. Claims must be made within one year after the day the injury occurred. Additionally, the employee must diligently pursue compensation under state industrial insurance law or federal maritime law.

The WSDOT is responsible for making all payments required under this act. The WSDOT is not precluded from recovering these payments from the assaulting motorist.

Appropriation: None.

Fiscal Note: Requested on February 15, 2001.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This legislation will protect highway maintenance workers. The bill is designed to bring Department of Transportation employees in line with other workers in dangerous professions. Industrial insurance only provides a percentage of an injured employee's salary and after the employee returns to work, the medical appointments are lost time. The department wants to do the right thing for its employees.

Testimony Against: None.

Testified: PRO: Bev Hermanson, WA Federation of State Employees; Mike Sacco, DOT employee; Brian Ziegler, WSDOT.